

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA, | : |
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| -v- | : |
| | : |
| JAMES KELLY, | : |
| | : |
| Defendant. | : |
| | : |
| | X |

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 9/12/2024

GREGORY H. WOODS, United States District Judge:

The Court will hold an evidentiary hearing with respect to the issues raised in the defendant's August 15, 2024 motion to suppress an out of court identification on September 25, 2024 at 12:00 p.m. The Court expects that the parties will present evidence at the hearing that will permit the Court to evaluate both whether the pretrial identification procedures unduly suggested that the defendant was the perpetrator and whether, if so, the identification was nonetheless independently reliable.

The parties are directed to meet and confer regarding the anticipated evidentiary hearing and to submit a letter to the Court no later than September 18, 2024 informing the Court (1) how long they anticipate the hearing will last, and (2) by what date they anticipate providing any exhibits or 3500 materials to the Court in advance of the hearing.

SO ORDERED.

Dated: September 12, 2024
New York, New York



GREGORY H. WOODS
United States District Judge